IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 7201 of 2007(G)

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PETITIONER:

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SANTHAKUMARI AMMA, D/O BHAVANI AMMA,
AGED 55 YEARS, RESIDING IN THEVALUKATTU HOUSE,
THOTTUVATHALA MURI, KAINAKARI VILLAGE,
ALAPPUZHA.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW

RESPONDENTS:

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1. STATE OF KERALA REP. BY
DISTRICT COLLECTOR, CIVIL STATION,
ALAPPUZHA.

2. DEPUTY TAHSILDAR(RR), TALUK OFFICCE,
KUTTANADU TALUK, ALAPPUZHA.

3. VILLAGE OFFICER, KAINAKARY VILLAGE,
KUTTANADU TALUK, ALAPPUZHA.

4. STATE BANK OF TRAVANCORE,
KAINAKARY BRANCH, ALAPPUZHA DISTRICT,
REP. BY IT'S BRANCH MANAGER.

5. RAJESH KUMAR M.G, THEVALUKATTU HOUSE,
THOTTUVATHALA MURI, KAINAKARI VILLAGE,
ALAPPUZHA.

BY ADV. SRI.M.PATHROSE MATTHAI (SR.) - FOR R4
SRI.SAJI VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 7201/2007

**APPENDIX**

PETITIONER'S EXHIBITS

P1 : COPY OF SALE DEED NO. 223.

P2 : COPY OF THE TAX RECEIPT IN THE YEAR 2006-07.

P3 : COPY OF THE REVENUE RECOVERY DEMAND NOTICE.

P4 : COPY OF THE NOTICE OF ATTACHMENT.

// TRUE COPY //

PA TO JUDGE

jg

**C.N.RAMACHANDRAN NAIR, J.**

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**WP(C) No. 7201 of 2007**

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**Dated, this the 25th day of May, 2007**

**J U D G M E N T**

Petitioner is challenging recovery proceedings for recovery of loan arrears due from 5th respondent. According to the petitioner property belongs to the petitioner and not of defaulter. Learned counsel for the petitioner rightly submitted that since loan is not secured on petitioner's property, it cannot be proceeded against, merely because the defaulter is her son. WP(C) is therefore disposed of directing respondents 2 & 3 to proceed for recovery against defaulter's property only, after identifying the property as that of the defaulter. In other words, no immovable property or movables of the petitioner shall be proceeded against recovery proceedings initiated against her son.

This WP(C) is disposed of as above.

**(C.N.RAMACHANDRAN NAIR, JUDGE.)**

jg